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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,622	02/15/2002	Mao-Yu Lin	P67623US0	1680

7590 05/04/2005

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WASHINGTON, DC 20004

EXAMINER
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RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,622	LIN, MAO-YU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 10 - 19, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. See *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974). For example in claim 10, the invention in the body of the claim does not recite the use of nor incorporate any technology in carrying out the recited method steps and therefore is not statutory. If the invention in the body of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See *Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) [Unpublished] and note MPEP 2106 IV 2(b). While *Bowman* is not precedential, it has been cited for its analysis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being unpatentable over Treyz (US 6,587,835 B1).**

Regarding claim 1 and related claim 10, Treyz teaches a web shopping method and system for a networking electronic device to link a server with a client via a Internet environment using a transfer protocol for making a commodity transaction through an OI (operating interface) of a shopping system, the method comprising the steps of:

selecting a desired area, entering a keyword and sending out a searching command (see at least Abstract and Col 12, lines 1 – 3);

providing a commodity information list with the keyword according to the searching command (see at least Figure 32);

selecting a desired commodity to purchase from the provided commodity information list (see at least Abstract and Col 12, lines 1 - 3 and Figure 34);

forming a commodity purchase order according to the selected commodity information list (Abstract, Col 1, lines 49 – 52 and Figure 34);

confirming the purchase of the selected desired commodities in the commodity purchase order (see at least Figure 23);

choosing a payment method for the commodities (see at least Col 14, lines 47 – 56);

and

choosing a delivery method of the commodities (see at least Col 14, lines 42 – 46).

Regarding 2 and related claim 11, Treyz teaches a method and system, wherein the Internet environment is a network structure with the functions of communications and data transfers (Figures 2 and 21).

Regarding claim 3 and related claim 12, Treyz Regarding claim 3 and related claim 12, Treyz teaches a method and system 3, wherein the transfer protocol is selected group consisting of HTTP (hypertext transfer protocol), FTP (file transfer protocol), WAP (wireless application protocol), GPRS (general packet radio service), IR (infrared) WAP, and Bluetooth (Abstract).

Regarding claim 4 and related claim 15, Treyz teaches a method and system, wherein the commodity information comprises manufacturers, brands, commodity titles, commodity serial numbers, and commodity prices (see at least Figures 1 – 3, 10 and 32).

Regarding claim 5, Treyz teaches a method and system, wherein the location information of the shopping center commodity information server comprises a shopping center name, a shopping center area and a shopping center location (Abstract and Figures 16 and 28).

Regarding claim 6, Treyz teaches a system, wherein the shopping center system server comprising: a main system database storing the location information of the shopping center commodity information server; a data access module connecting the main system database for storing and retrieving location information of the shopping center commodity information server; a data buffer module, which temporarily stores a information and provides a commodity information list and a purchase order; a central operation control module connecting with the shopping center commodity information server and all other modules of the system to receive/transmit and process data among the modules and the shopping center commodity information server; and a display module connecting with the central operation control module for displaying data transmitted from the central operation control module (see at least Abstract and Figures 1, 2, 4, 13 – 15, 19 and 21).

Regarding claim 7, Treyz teaches a system, wherein the information comprises the commodity information and the location information of the shopping center commodity information server (Figures 21, 22, 37, 45, and 47) and (claim 8) wherein the commodity information list comprises the commodity information and the location information of the shopping center commodity information server as well as (claim 9) wherein the purchase order is converted from the commodity information list, comprising the commodity information and the location information of the shopping center commodity information server (see at least Col 3, lines 32 – 33 and Figures 13 – 15, 19).

Regarding claim 13, Treyz teaches a method, wherein the commodity information list is generated by including all commodities with the keyword (Figure 32).

Regarding claim 14, Treyz teaches a method, wherein the commodity information list comprises a commodity information and a location information of the shopping center information server (Figures 16 and 18).

Regarding claim 16, Treyz teaches a method, wherein the location information of the shopping center commodity information server comprises a shopping center name, a shopping center area and a shopping center location (figures 28, 37 and 42).

Regarding claim 17, Treyz teaches a method, wherein the purchase order is converted from the commodity information list, comprising the commodity information and the location information of the shopping center commodity information server (Figures 16 and 21 – 22).

Regarding claim 18, Treyz teaches a method, wherein the payment method is selected from the group consisting of credit card payment method and cash payment method (Col 14, lines 47 – 50).

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Regarding claim 19, Treyz teaches a method, wherein the delivery method is selected from the group consisting of consumer picking up in person, shipping by the shopping center, and delivering purchased commodities to a designated location for the consumer to pick up (Col 14, lines 42 – 46).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Kari (US 6,154,745) and Hudda (US 2001/0049636 A1), which disclose online shopping and delivery using a wireless device).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***



**Alexandria, Va. 22313-1450**

or faxed to:

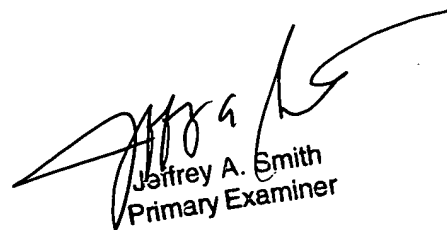
**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Information regarding the status of an application may be obtained from the  
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free). *Alan*

  
Jeffrey A. Smith  
Primary Examiner